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09/750,603	12/28/2000	Katherine E. Hayes	XER 2 0346	6753

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/750603

Applicant(s)

Hays

Examiner

Aker, g

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3/11/04
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### *Response to Request for Continued Examination*

1. This action is issued in reply to applicant's Request for Continued Examination(Paper #14) entered 3/19/04.
2. Claims 10,19,21 were amended. New claim 23 was added.
3. Claims 1-23 including amended and newly added claims are pending.

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### *Claim Rejections - 35 USC § 103*

4. Claims 1-5,8-12,18-20, 23 are rejected under 35 USC 103(a) as unpatentable over Krist(US Pat. No: 5,745,883) in view of Steele(US Pat. No:6,535,297).

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5. As per claim 1 Krist teaches a configurable billing system for a machine(Abstract), the machine operative to output a product or service(Fig 6)(Fig 7)(col 3 lines 7-28) including a priority of aspect sensors, the sensors operative to detect the delivery of aspects of the product or service and to report the delivery to the billing system(Fig 1)(Fig 2)(col 6 lines 17-58) where the billing system comprises a plurality of meters updated by the billing system for recording the delivery of the aspects of the product or service based on the billing strategy whereby the billing system tallies the aspects in a predefined manner(col 6 line 59-col 7 line 12).Krist does not specifically teach a coded strategy for the billing process. However, Steele teaches a coded strategy defined for the machine(Abstract)(Fig 4/108/116/128/132)(col 2 lines 24-51)(col 6 line 10-col 7 line 12).It would have been obvious to one skilled in the art at

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the time of the invention to combine Krist in view of Steele to teach the claim. The motivation to combine is to teach a configurable billing system with an accounting system that provides users with the ability to code a strategy for options for attribute values and multi functioning printing system including a plurality of document processing services as enunciated by Steele(col 2 lines 24-32).

6. As per claim 2 Krist teaches the configurable billing system of claim 1 wherein the billing strategy comprises a list of aspects of interest(col 2 lines 27-28). Krist does not specifically teach a coded strategy for the billing process. However, Steele teaches a coded strategy defined for the machine(Abstract)(Fig 4/108/116/128/132)(col 2 lines 24-51)(col 6 line 10-col 7 line 12).It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Steele to teach the claim. The motivation to combine is to teach a configurable billing system with a list of aspects of interest with an accounting system that provides users with the ability to code a strategy for options for attribute values and multi functioning printing system including a plurality of document processing services as enunciated by Steele(col 2 lines 24-32).

7. As per claim 3 Krist teaches the configurable billing system of claim 1 wherein the billing strategy comprises a list of meters(col 2 lines 27-42). Krist does not specifically teach a coded strategy for the billing process. However, Steele teaches a coded strategy defined for the machine(Abstract)(Fig 4/108/116/128/132)(col 2 lines 24-51)(col 6 line 10-col 7 line 12).It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Steele to teach the claim. The motivation to combine is to teach a configurable billing system with an accounting system that

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provides users with the ability to code a strategy for options for attribute values and multi functioning printing system including a plurality of document processing services as enunciated by Steele(col 2 lines 24-32).

8. As per claim 4 Krist teaches the configurable billing system of claim 3 wherein the coded billing strategy comprises information associated with the listed meters with the information describing the function of the meters(col 2 lines 31-32). Krist does not specifically teach a coded strategy for the billing process. However, Steele teaches a coded strategy defined for the machine(Abstract)(Fig 4/108/116/128/132)(col 2 lines 24-51)(col 6 line 10-col 7 line 12).It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Steele to teach the claim. The motivation to combine is to teach a configurable billing system with an accounting system that provides users with the ability to code a strategy for options for attribute values and multi functioning printing system including a plurality of document processing services as enunciated by Steele(col 2 lines 24-32).

9. As per claim 5 Krist teaches the configurable billing system of claim 1 wherein the coded billing strategy comprises information representing a set of functions describing the operation of a set of meters(col 6 line 59-col 7 line 12). Krist does not specifically teach a coded strategy for the billing process. However, Steele teaches a coded strategy defined for the machine(Abstract)(Fig 4/108/116/128/132)(col 2 lines 24-51)(col 6 line 10-col 7 line 12).It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Steele to teach the claim. The motivation to combine is to teach a configurable billing system with an accounting system that

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provides users with the ability to code a strategy for options for attribute values and multi functioning printing system including a plurality of document processing services as enunciated by Steele(col 2 lines 24-32).

10. As per claim 8 Krist teaches the configurable billing system of claim 7. Krist does not specifically teach wherein the list of aspects of interest comprises an impression count. Steele teaches this(col 10 line 55-col 11 line 19). It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Steele to teach the claim. The motivation to combine is to teach a configurable billing system with aspects of interest including impression counts with an accounting system that provides users with the ability to code a strategy for options for attribute values and multi functioning printing system including a plurality of document processing services as enunciated by Steele(col 2 lines 24-32).

11. As per claim 9 Krist teaches the configurable billing system of claim 7. Krist does not specifically teach wherein the list of aspects of interest comprises an impression event flag. Steele teaches this(Fig 7). It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Steele to teach the claim. The motivation to combine is to teach a configurable billing system with aspects of interest including impression count markers with an accounting system that provides users with the ability to code a strategy for options for attribute values and multi functioning printing system including a plurality of document processing services as enunciated by Steele(col 2 lines 24-32).

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12. As per claim 10 Krist teaches the configurable billing system of claim 7. Krist does not specifically teach wherein the list of aspects of interest comprises a set count.

Steele teaches this(col 10 line 66-col 11 line 9). It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Steele to teach the claim. The motivation to combine is to teach a configurable billing system with aspects of interest including fixed count levels with an accounting system that provides users with the ability to code a strategy for options for attribute values and multi functioning printing system including a plurality of document processing services as enunciated by Steele(col 2 lines 24-32).

13. As per claim 11 Krist teaches the configurable billing system of claim 7. Krist does not specifically teach wherein the list of aspects of interest comprises a set completion flag. Steele teaches this(Fig 7)(col 12 lines 19-24). It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Steele to teach the claim. The motivation to combine is to teach a configurable billing system with aspects of interest including set completion markers with an accounting system that provides users with the ability to code a strategy for options for attribute values and multi functioning printing system including a plurality of document processing services as enunciated by Steele(col 2 lines 24-32).

14. As per claim 12 Krist teaches the configurable billing system of claim 7. Krist does not specifically teach wherein the list of aspects of interest comprises a diagnostic impression flag. Steele teaches this(col 13 lines 27-40). It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Steele to

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teach the claim. The motivation to combine is to teach a configurable billing system with aspect of interest including a diagnostic impression marker with an accounting system that provides users with the ability to code a strategy for options for attribute values and multi functioning printing system including a plurality of document processing services as enunciated by Steele(col 2 lines 24-32).

15. As per claim 18 Krist teaches the document processing system of claim 16. Krist does not specifically teach wherein the print engine further comprises a xerographic printer. Steele teaches use of Xerox digital copiers(col 5 lines 12-25)(Fig 4) and Xerox Document Center equipment(col 6 line 65). It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Steele to teach the claim. The motivation to combine is to teach a configurable billing system with an accounting system that provides users with the ability to code a strategy for options for attribute values and multi functioning printing system including a plurality of document processing services as enunciated by Steele(col 2 lines 24-32) utilizing Xerox equipment.

16. As per claim 19 Krist teaches a method for developing and using a universal billing module, the method comprising predefining a billing strategy(col 6 lines 41-58) and storing the billing strategy in a machine-readable form(col 6 line 59-col 7 line 12) and reading the stored billing strategy(col 7 lines 50-57)(Fig 4) and updating the meter data structures as directed by the read billing strategy(col 7 lines 50-57). Krist does not specifically teach where the billing strategy including a list of parameters with implicit or explicit communication mechanisms and data parsing



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information. Steele teaches this(col 10 line 56-col 11 line 50).Steele also teaches process algorithm information(col 11 lines 57-64)(col 12 lines 15-48) and instantiating meter data structures(col 6 lines 10-12) as directed by the read billing strategy and monitoring a document processing procedure as directed by the read billing strategy(col 10 lines 45-50). It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Steele to teach the claim. The motivation to combine is to teach a universal configurable billing system with an accounting system that provides users with the ability to code a strategy for options for attribute values and multi functioning printing system including a plurality of document processing services as enunciated by Steele(col 2 lines 24-32).

17. As per claim 20 Krist teaches a configurable billing system for a machine(Abstract) the machine operative to output a product or service(Fig 6)(Fig 7)(col 3 lines 7-28) and including a plurality of aspect sensors, the sensors being operative to detect the delivery of aspects of the product or service and to report the delivery to the billing system(Fig 1)(Fig 2)(col 6 lines 17-28) the billing system comprising a plurality of meters instantiated by the billing system for recording the delivery of the aspects of the product or service based on the billing strategy whereby the billing system tallies the aspects in a predefined manner(col 6 line 59-col 7 line 12). Krist does not specifically teach a coded strategy for the billing process. However, Steele teaches a coded strategy defined for the machine(Abstract)(Fig 4/108/116/128/132)(col 2 lines 24-51)(col 6 line 10-col 7 line 12) as well as a means for loading the custom strategy(col 10 line 62-col 12 line 10). It would have been obvious to one skilled in the art at the time of the

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invention to combine Krist in view of Steele to teach the claim. The motivation to combine is to teach a configurable billing system with an accounting system that provides users with the ability to code a strategy for options for attribute values and multi functioning printing system including a plurality of document processing services as enunciated by Steele(col 2 lines 24-32).

18. (NEW) As per claim 23 Krist teaches a document processor operative to produce printed documents, the document processor comprising a print engine(Fig 6/34)(col 3 lines 23-24) and at least one aspect sensor operative to sense and report AT LEAST ONE of an impression count, an impression event, a set count, a set completion event, a diagnostic impression event, a media description, a use of highlight color and a use of full color related to a production of a document(Fig 2)(col 6 line 51-col 7 line 57) and a billing strategy file defining a billing strategy in machine readable form, the billing strategy describing at least one mathematical function of at least one meter for processing and recording information reported by the at least one aspect sensor(col 6 line 59-col 7 line 12). Krist does not specifically teach a billing sensor operative to receive the billing strategy file and instantiate at least one meter according to the billing strategy and a market module operative to control the print engine in the production of the document.Steele teaches this(col 6 lines 10-30)(col 10 line 55-col 12 line 35)(col 6 lines 50-62). It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Steele to teach the claim. The motivation to combine is to teach a configurable billing system with an accounting system that provides users with the ability to code a strategy for options for attribute values and to

control the metering process for billing purposes for customized orders and a multi functioning printing system including this plurality of document processing services as enunciated by Steele(col 2 lines 24-32).

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***Claim Rejections - 35 USC § 102***

19. Claims 6-7,16,17,21-22 are rejected under 35 USC 102(b) as anticipated by Krist(US Pat. No: 5,745,883).

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20. As per claim 6 Krist teaches a configurable billing system(Abstract) for an document processing system(col 3 lines 6-28) where the document processing system operative to produce documents and including a plurality of aspect sensors operative to detect document production events and to report the aspects of the document production to the billing system(col 6 line 59-col 7 line 2), the billing system comprising a billing strategy description accessible by the billing system and a plurality of meters defined in the billing strategy(col 7 lines 5-7) and a billing module operative to update the plurality of meters according to the billing strategy(col 7 lines 2-4).

21. As per claim 7 Krist teaches the configurable billing system of claim 6 wherein the billing strategy description comprises a list of aspects of interest(col 2 lines 27-32)(Fig 1)(col 2 lines 45-48).

22. As per claim 16 Krist teaches a document processing system(Abstract) comprising a print engine(Fig 6/34)(col 3 lines 23-24) and a configurable billing system operative to follow a billing strategy(Abstract)(col 2 lines 23-42) and to record the occurrence of

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document production events described in the billing strategy(Fig 4)(Fig 7)(col 7 lines 43-57) and a marker module operative to control the print engine in the production of documents, and to report document production events to the billing system(col 7 lines 47-50).

23. As per claim 17 Krist teaches the document processing system of claim 16 wherein the marker module is operative to deliver the billing strategy to the billing system(col 7 line 50-col 8 line 59).

24. As per claim 21 Krist teaches a configurable billing system for a document processing system(Abstract) the development processing system operative to produce documents and including one or more aspect sensor operative to detect document production events(col 6 lines 59-62) and to report the document production events to the billing system(Fig 1)(Fig 2)(col 6 lines 17-58) the billing system comprising a billing strategy description accessible by the billing system(col 7 lines 42-58)(Fig 4)(Fig 7) and defining meters as mathematical functions of information received from the one or more aspect sensors(col 7 lines 5-12) and a plurality of meters defined in the billing strategy(col 7 lines 5-7) and a billing module operative to update the plurality of meters according to the functions defined in the billing strategy(col 7 lines 2-4).

25. As per claim 22 Krist teaches a document processing system comprising a print engine(Fig 6/34)(col 3 lines 23-24) and a configurable billing system operative to receive a billing strategy(Abstract)(col 2 lines 23-42) and to record the occurrence of document production events described in the billing strategy(Fig 4)(Fig 7)(col 7 lines 43-57) and a marker module operative to control the print engine in the production of

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documents, and to report document production events to the billing system(col 7 lines 47-50).

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26. Claims 13-15 are rejected under 35 USC 103(a) as unpatentable over Krist(US Pat. No: 5,745,883) in view of Kassman(US Pat. No: 6,535,297).  
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27. As per claim 13 Krist teaches the configurable billing system of claim 7. Krist does not specifically teach wherein the list of aspects of interest comprises a media descriptor.Kassman teaches this(Fig 7)(Fig 9)(col 11 lines 10-60).It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Kassman to teach the claim. The motivation to combine is to teach a configurable billing system with a variety of attribute values for documents as enunciated by Kassman(col 3 lines 62-67) including media descriptors.

28. As per claim 14 Krist teaches the configurable billing system of claim 7. Krist does not specifically teach wherein the list of aspects of interest comprises a highlight color flag. Kassman teaches use of control instructions(attribute values)(col 11 lines 40-47) defining print media color(Fig 8) as well as programmable buttons for various attribute choices(col 11 lines 53-60). It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Kassman to teach the claim. The motivation to combine is to teach a configurable billing system with a variety of attribute values for documents including highlight color markers as enunciated by Kassman(col 3 lines 62-67).

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29. As per claim 15 Krist teaches the configurable billing system of claim 7. Krist does not specifically teach wherein the list of aspects of interest comprise a full color flag. Kassman teaches use of control instructions(attribute values)(col 11 lines 40-47) defining print media color(Fig 8)(col 12 lines 53-56). It would have been obvious to one skilled in the art at the time of the invention to combine Krist in view of Kassman to teach the claim. The motivation to combine is to teach a configurable billing system with a variety of attribute values for documents for print color as enunciated by Kassman(col 3 lines 62-67).

### ***Response to Arguments***

30. Applicant's arguments are moot in view of the new grounds of rejection.

### ***Conclusion***

31. **THIS ACTION IS MADE NON-FINAL.**

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32. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general

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nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

June 4, 2004

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER